

Decision under Delegated Powers

Officer Requesting Decision

ASB Coordinator

Officer Making the Decision
Director of Customer Experience

Recommendation

That the Public Spaces Protection Order – **Town Centre**, Charnwood Borough Council 2023-26 be extended and varied as proposed in the Notice of Intention.

Reason:

To vary the existing Public Spaces Protection Order (PSPO) to extend **and include the area of All Saints Church Steeple Row and Rectory Road, as highlighted on the accompanying map.**

Authority for Decision

Under chapter 8.3 (Delegation of Executive Functions) the Head of Regulatory and Community Safety has a delegation under item 11 “To make, vary or discharge a Public Spaces Protection Order (PSPO) affecting only one or two wards”.

Decision and Date

Signature *K Summers*
Date 3/10/24

Background

The Anti-Social Behaviour Crime and Policing Act 2014 brought in Public Spaces Protection Orders (PSPOs) for the control of a range of ASB issues, including problems relating to Alcohol fuelled ASB.

Charnwood Borough Council introduced a PSPO in 2017 which was then extended 2020 and further extended in October 2023 to control alcohol fuelled ASB in the Borough to protect the people living, working and visiting the Charnwood area.

In 2023 the PSPO included a restriction for a person to stop drinking alcohol in the designated locality (map below), if they are requested to do so by a Police Officer, and there is sufficient evidence that they are behaving in a manner that is causing, or is likely to cause, a nuisance or annoyance to other persons in the designated locality.

Refusal to surrender the alcohol upon the request of an authorised officer would result in a fixed penalty notice for failing to comply with the PSPO.

The amended PSPO is being recommended as part of the partnership's control strategy or mitigation plan to combat Alcohol fuelled ASB, within the extended area of All Saints Church, Steeple Row and Rectory Road ensuring that the community living and enjoying the Church and its grounds would be able to do so without fear of intimidation.

A person commits an offence if they fail to comply with a request not to consume alcohol or a request that is made to surrender anything in their possession which is reasonably believed to be alcohol or a container for alcohol.

A breach of the PSPO under section 63 of the Act, can be dealt with through a Fixed Penalty Notice issued by authorised officers. For the breach of an alcohol prohibition (section 63), a level 2 fine (up to £100) can be imposed. Upon summary conviction, if the offender has refused to pay the fine, the sanction can be raised to a level 3 fine at Magistrates Court.

The **Community Protection and Partnership Manager** has reviewed the consultation responses received following the service of the Notice of Intention and is satisfied that there are no substantial changes required or major objections so the variation to the PSPO can be undertaken.

Financial Implications

No financial implications

Risk Management

No specific risks have been identified with this report.

Key Decision:

No

Background Papers:

Proposed - Public Spaces Protection Order
(Charnwood Borough Council) Charnwood
Borough Council 2020-23

Report to Community Protection and
Partnership Manager and Lead Member –
Variation of PSPO

Original Map.

Varied Map.

The Anti-Social Behaviour, Crime and Policing Act 2014

20th OCTOBER 2023 – 19th OCTOBER 2026

**The Public Spaces Protection Order – Loughborough Town Centre Charnwood
Borough Council 2023**

**Charnwood Borough Council, Anti-Social Behaviour, Crime and Policing Act 2014
Section 59 Public Spaces Protection Order**

1. This Order is made by Charnwood Borough Council (“the Council”) under the Anti-Social Behaviour, Crime and Policing Act 2014, Section 59 (“the Act”).
2. This Order relates to the public spaces edged black on the attached plan in Loughborough Town Centre and Ashby Road Area.
3. The Order may be cited as Loughborough Town Centre Public Space Protection Order (PSPO) and shall come into force for a period of 36 months from the date of this Order, unless extended by further orders under the Council’s statutory powers.
4. The effect of this Order is to prohibit the consumption of alcohol (licensed premises excluded) in a manner which causes, or is likely to cause, a nuisance or annoyance to other persons in the designated locality.
5. The Council is satisfied that the conditions set out in section 59 of the Act have been met, being that:
 - a. activities carried out in the Restricted Areas have had a detrimental effect on the quality of life of those in the locality, or it is likely that these activities will be carried on in the public places and they will have such an effect;
 - b. and the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature, and is, or is likely to be, such as to make the activities unreasonable;
 - c. and justifies the restrictions imposed by the Order.
6. Under section 63 of the Act, it will be an offence for a person who, without reasonable excuse, fails to comply with a requirement imposed on him or her under section 63(2) of the Act, namely:
 - a. Consuming alcohol in breach of the Order: or
 - b. Failing to surrender alcohol or container for alcohol within the designated area
7. A person committing an offence under section 63 of the Act, who without reasonable excuse, fails to comply with a requirement imposed by a constable or authorised person of the Act, is liable to be issued with a fine (FPN) not exceeding level 2 (£100) on the standard scale. A level 3 fine can be issued upon summary conviction at the Magistrates Court for failure to pay the FPN.

Schedule One

Variations to the existing PSPO are shown in red (bold)

Map No.	Location	Geographical Area	Ward/Parish/Town
1.	Steeple Row, including All Saints Church and grounds, Rectory Wildlife gardens and the Parish Green.	Loughborough	